

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRANDON NUNN

§

VS.

§

CIVIL ACTION NO. 1:11cv606

M. MARTIN

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Brandon Nunn, acting as the agent for his uncle, Tyrone Nunn, Sr., proceeding *pro se*, filed the above-styled petition for writ of habeas corpus. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the petition be dismissed without prejudice. This recommendation was based on the magistrate judge's conclusion that Mr. Nunn had not established he was entitled to act as his uncle's agent or next friend.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Objections were filed to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, Mr. Nunn's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment shall be entered dismissing the petition in accordance with the

recommendation of the Magistrate Judge.

So **ORDERED** and **SIGNED** this **26** day of **April, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge